



Legislative Bulletin.....June 29, 2005

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H.R. 3058 —Amendments to the FY06 Treasury, Transportation/Housing and Urban Development Appropriations Bill, **Part II**

H.R. 3058, the FY06 Amendments to the FY06 Treasury, Transportation/Housing and Urban Development Appropriations Bill, is scheduled to be considered on the House floor on Wednesday, June 29th, subject to an open rule (H. Res. 342). Below are the summaries of amendments currently available. Note: Summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see the separate RSC Policy Brief distributed earlier.

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Al Green (D- TX) #3: A roll call vote has been requested for this amendment.

Reduces by \$7.7 million, funds available for the Office of Lead Hazard Control, Management and Administration (from \$1.152 billion to \$1.144 billion) and increases by \$7.7 million, funds available for Fair Housing and Equal Opportunity, Fair Housing Activities (from \$38.8 million to \$46.5 million).

According to the sponsor, the amendment “would restore funding for HUD-funded fair housing activities to the amount passed in the FY 2005 VA-HUD appropriations bill. According to the Congressional Budget Office, the amendment will have a net effect of zero on budget authority and a reduction of \$6 million in outlays.” Additionally, the sponsor stated the offset may be changed to come from the IRS Information Systems and Telecommunications Support Account, which receives \$1.6 billion.

Brown (D-FL): A roll call vote has been requested for this amendment.

Would strike the following section of the bill under National Railroad Passenger Corporation (Amtrak): “that none of the funds herein shall be available for the operation and maintenance of routes RT16A, RT18, RT19, RT22, RT25, RT26, RT27, RT28, RT30, RT32, RT33, RT34, RT45, RT48, RT52, RT54, RT63, RT66, as in existence on May 1, 2005.” Thus, the amendment would lift the restriction on the use of funds for these Amtrak routes. According to the sponsor, the amendment would strike language in the bill which eliminates funding for grants that go to Amtrak routes requiring more than \$30 per passenger in Federal grant subsidies.

Kennedy (D-MN): A roll call vote has been requested for this amendment.

Reduces by \$100 million, funds available for Amtrak, and increases by \$100 million, funds available for Homeless Assistance Grants.

LaTourette (R-OH) #6: This amendment passed by voice vote earlier today. Increases by \$657 million (from \$550 million to \$1.207 billion) the available funds for the National Railroad Passenger Corporation (Amtrak); reduces by \$17.339 million the available funds for salaries and expenses under Department of Transportation (eliminating funding for the Office of the Assistant Secretary for Governmental Affairs, Office of Public Affairs, Office of the Executive Secretariat, Office of the Chief Information Officer, and the official reception and representation expenses); reduces by \$31.583 million the available funds for DOT's Transportation Planning, Research, and Development; reduces by \$25 million the available funds for the DOT's new headquarters building (from \$100 million to \$75 million); reduces by \$59 million the available funds for transition costs associated with OMB Circular A-76 Flight Service Station competition (from \$150 million to \$91 million); eliminates funding (of \$26.325 million) for the Railroad Research and Development Program; eliminates funding (of \$6.592 million) for the Surface Transportation Board; eliminates funding (of \$2.5 million) for the Air Transportation Stabilization Board; reduces by \$745 million the available funds for GSA's 'nonprospectus' construction, repair and alteration activities, and building operations.

Page 2, line 10, after the first dollar amount, insert "(reduced by \$17,339,000)".

Page 2, line 19, after the dollar amount, insert "(reduced by \$2,052,000)".

Page 2, line 23, after the dollar amount, insert "(reduced by \$1,910,000)".

Page 2, line 24, after the dollar amount, insert "(reduced by \$1,422,000)".

Page 3, line 7, after the dollar amount, insert "(reduced by \$11,895,000)".

Page 3, line 17, after the dollar amount, insert "(reduced by \$60,000)".

Page 4, line 11, after the dollar amount, insert "(reduced by \$31,583,000)".

Page 6, line 22, after the dollar amount, insert "(reduced by \$25,000,000)".

Page 9, line 11, after the dollar amount, insert "(reduced by \$59,000,000)".

Page 29, line 10, after the dollar amount, insert "(reduced by \$26,325,000)".

Page 30, line 10, after the dollar amount, insert "(increased by \$657,000,000)".

Page 42, line 9, after the dollar amount, insert "(reduced by \$6,592,000)".

Page 51, line 25, after the dollar amount, insert "(reduced by \$2,500,000)".

Page 164, line 12, after the first dollar amount, insert "(reduced by \$745,409,000)".

Page 164, line 12, after the second dollar amount, insert "(reduced by \$9,500,000)".

Page 165, line 22, after the dollar amount, insert "(reduced by \$9,500,000)".

Page 166, line 9, after the dollar amount, insert "(reduced by \$568,409,000)".

Page 166, line 18, after the dollar amount, insert "(reduced by \$133,417,000)".

Page 167, line 14, after the dollar amount, insert "(reduced by \$434,992,000)".

Page 169, line 2, after the dollar amount, insert "(reduced by \$150,000,000)".

Page 171, line 4, after the dollar amount, insert "(reduced by \$17,500,000)".

Miller (D-CA) #9: Increases by \$24 million (from \$4.151 billion to \$4.175 billion) the available funds for HUD's Community Development Fund; reduces by \$24 million (from \$1.606 billion to \$1.582 billion) the available funds for information systems and telecommunications support for the IRS.

According to the sponsor, the amendment would “ensure funds are available at HUD for Brownfields redevelopment. Brownfields Economic Development Initiative (BEDI) provides competitive economic development grants for qualified Brownfields projects. The goal of the program is to return contaminated sites to productive uses. Because the BEDI program was zeroed out this year, an amendment to add funds for BEDI would be subject to a point of order. As such, this amendment increases grants available under the Community Development fund, with the intent that this increase would be directed toward Brownfields Redevelopment activities.”

Nadler (D-NY) #10: Increases by \$10 million the available funds for HUD’s Community Planning and Development Housing Opportunities for Persons with AIDS; reduces by \$10 million the available funds for the Working Capital Fund under HUD’s Management and Administration account.

Nadler (D-NY) #11: Increases by \$100 million (from \$14.089 billion to \$14.189 billion) the available funds for renewals of expiring Section 8 tenant-based annual contributions contracts under HUD’s Public and Indian Housing Tenant-based Rental Assistance program; decreases by \$36 billion (from \$1.152 billion to \$1.116 billion) the available funds for salaries and expenses under HUD’s Government National Mortgage Association; decreases by \$65 billion (\$165 billion to \$100 billion) the available funds for HUD’s Working Capital Fund.

According to the sponsor, the amendment would restore funding for the Section 8 Housing Choice Voucher Program. The Committee bill provides \$314 million less than requested for Section 8. The Nadler-Velázquez Amendment is a modest attempt to restore roughly \$100 million in funding, to prevent a reduction of approximately 15,000 vouchers. The Section 8 Housing Choice Voucher program is our most successful federal rental program. It provides vouchers that allow families the flexibility to receive government subsidized rental housing in the private market.”

Poe (R-TX) #12: **This amendment was struck down by a point of order earlier today.** Increase by \$24.875 million the available funds for the FAA’s air traffic services activities; decreases by \$24.875 million (from \$550 million to \$525.125 million) the available funds for the National Railroad Passenger Corporation (Amtrak).

According to the sponsor, the amendment would “double the funding called for in the bill to better address short-term and long-term air traffic controller staffing and training needs, while reducing overall spending in the bill for Amtrak by only 4.5%. Amtrak continues to operate at a deficit and requires substantial taxpayer subsidies to operate. In a time of flat budgets and large deficits, taxpayers cannot continue to subsidize poor management and unprofitable services.”

Souder (R-IN) #16: According to the sponsor’s office, the amendment language is not finalized. The following summary is based on the amendment text pre-printed in the Congressional Record on June 28th. Prohibits federal funds for the District of Columbia from being used to enforce the District’s firearm possession laws in the following three instances: 1) against persons who are not otherwise “prohibited by section 922(g) or (n)

of title 18, United States code, or by section 22-4503, District of Columbia Code” (thereby superseding four other sections of the DC Code relating to possession of a firearm); 2) if the firearm involved is not described (prohibited) in Title 26, Section 5845(a) of the U.S. Code; and 3) if the firearm involved is kept in the person’s place of residence. In addition, the amendment states that “this restriction shall not apply to any case in which a penalty could be imposed under section 924(c) of title 18, United States code if the defendant were tried and convicted in a court of the United States.”

While no further information is available from the sponsor, the District of Columbia currently prohibits anyone in the District from carrying or possessing a firearm in the District (except a limited number of specified firearms, such as certain shotguns, etc.), despite the 2nd Amendment of the U.S. Constitution. The text of the pre-printed amendment is as follows:

In title V, in the item relating to “Federal Funds-Federal Payment to the District of Columbia”, insert the following: (a) None of the funds contained in this Act may be expended for any action to enforce section 7-2502.01, District of Columbia Code, in relation to possession of a firearm; section 7-2506.01, District of Columbia Code, in relation to possession of ammunition; section 7-2507.02, District of Columbia Code, in relation to the keeping of a firearm; or section 22-4504, in relation to carrying a pistol, if –

- (1) the person against whom the provision is sought to be enforced is not otherwise prohibited by section 922(g) or (n) of title 18, United States code, or by section 22-4503, District of Columbia Code, from possessing a pistol or other firearm, and would not be prohibited from receiving a registration certificate under section 7-2502.03(a), District of Columbia Code; and
- (2) the pistol or other firearm involved is not a firearm described in section 5845(a) of title 26, United States code; and
- (3) the possession, carrying or keeping of the pistol or other firearm occurred within such person’s place of residence.

Hooley (D-OR): Increases by \$9 million, funds available for High Drug Intensity Drug Trafficking Areas Program (from \$227 million to \$236 million), and reduces by \$9 million, funds available for the National Security Council, Office of Management and Budget, Administrative Expenses (from \$76.930 million to \$67.93 million).

According to the sponsor, the “amendment would provide a \$9 million increase to the High Intensity Drug Trafficking Area (HIDTA) program, which will enable the Office of National Drug Control Policy to not only maintain full funding for all existing HIDTAs, but also expand into new areas where necessary. The funds will be drawn from the Office of Management and Budget, Salaries and Expenses.”

According to the Administration, HIDTA’s had results that were not demonstrable. The Administration proposed total funding of \$100 million in order to focus resources on a smaller number of areas. For instance, the program’s resources now flow to 28 large areas encompassing 60% of the nation’s population.

DeLauro (D-CT): Text of the amendment was not available. According to one report, “the amendment would prohibit U.S. companies that are incorporated overseas from receiving government contracts from the agencies addressed in this bill.”

DeLauro offered this amendment to last year's FY05 Homeland Security Appropriations bill, and it failed by a vote of [182 – 221](#).

According to opponents, "Companies that complete legal and legitimate transactions in full compliance with current law should not be barred from contracting with the federal government. Preventing successful companies from bidding on government contracts just because they are incorporated offshore would reject the free market principles of the federal procurement system."

Olver (D-MA): Text of the amendment was not available. According to the sponsor, "the amendment would add \$50 million to fund the Youth Build program and would reduce by \$50 million, funds for GSA building renovations."

Olver (D-MA): Text of the amendment was not available. According to the sponsor, "The amendment would increase the funding for Amtrak by \$657 million by using emergency funds."

King (R-NY): Reduces by \$1.5 million the funds available for expenses to operate the Supreme Court of the United States (from \$60.73 million to \$59.23).

According to the sponsor, "In the recent *Kelo v. City of New London* decision, the Supreme Court allowed the government to seize private property without a justifiable public use as required by the Fifth Amendment to our Constitution. The Fifth Amendment says, 'nor shall private property be taken for public use without just compensation'. [The] amendment recognizes the injustice done to the 15 property owners in the case by reducing the general appropriation for the Supreme Court by \$1.5 million dollars. This amount is intended to represent the nominal value of the property that the Supreme Court took away from homeowners and business owners in New London. This amendment takes a stand against government eminent domain abuse and in favor of homeowners' property rights."

Garrett (R-NJ): Prohibits available funds from being "used to improve or construct infrastructure support on lands acquired through the use of eminent domain of private property for private development."

Flake (R-AZ): The amendment would prevent funding for the enforcement of the travel ban to Cuba. It does this by inserting at the end of the bill the following:

- SEC.. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.
- (b) The limitation established in subsection (a) shall not apply to the administration of general or specific licenses for travel or travel-related transactions, shall not apply to section 515.204, 515.206, 515.332, 515.536, 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or 515.803 of such part 515, and shall not apply to trans-actions in relation to any business travel covered by section 515.560(g) of such part 515.

Flake (R-AZ): The amendment would prevent further restrictions to what is now an exemption for religious travel to Cuba. It does this by inserting at the end of the bill the following:

SEC. 948. None of the funds made available in this Act may be used to amend section 515.566 of title 31, Code of Federal Regulations (relating to religious activities in Cuba), as in effect on June 29 2005.

Flake (R-AZ): The amendment would prevent enforcement of the cap on remittances to Cuba. It does this by inserting at the end of the bill the following:

SEC. __. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.570 of title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004.

Flake (R-AZ): The amendment would prevent enforcement of the weight limit on baggage for travelers to Cuba permitted under exemptions. It does this by inserting at the end of the bill the following:

SEC. __. None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560(f) of title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004.

Flake (R-AZ): The amendment would roll back new restrictions requiring amateur sports teams from Cuba to receive specific permission prior to travel. According to the sponsor, this would effectively restore former regulations that permit such travel under a general license. It does this by inserting at the end of the bill the following:

SEC. __. (a) None of the funds made available in this Act may be used to implement, administer, or enforce—
(1) the amendments made to section 515.565(a) and (b) of title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004; or (2) the amendments made to part 515 of title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004, that remove the references to “§ 515.565(a)(2)(v)” each place it appears and replace them with “§ 515.565(a)(5)”.
(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

Flake (R-AZ): The amendment would create an exemption under the family travel restrictions for military personnel to visit Cuba. It does this by inserting at the end of the bill the following:

SEC. __. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.561 of

title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004, with respect to any Member of the United States Armed Forces.
(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

Kennedy (D-MN): Prohibits available funds from being “used to enforce the judgment of the United States Supreme Court in the case of *Kelo v. New London*, decided June 23, 2005.”

According to the sponsor, the “amendment to the FY06 Transportation-Treasury-HUD Appropriations Act to prohibit any funds in the bill from being used to enforce the *Kelo* decision.” The *Kelo* decision, which was recently handed down from the Supreme Court, allowed the government to seize private property without a justifiable public use as required by the Fifth Amendment to the Constitution

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